

ORDINANCE NO. 2017 - 33

AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 103 OF THE HARLINGEN CODE OF ORDINANCES RELATING TO REGISTRATION OF ELECTRICIANS AND BUILDING PERMITS, AND CHAPTER 18, RELATING TO FEES; ESTABLISHING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION AND ORDAINING OTHER MATTERS RELATING TO THE FOREGOING.

WHEREAS, House Bill 3329 was passed by the Texas State Legislature and, among other things, amends Section 1305.201 of the Texas Occupations Code to prohibit cities from collecting permit fees for municipal or regional licenses and examinations from electricians for work performed in the municipality or region, and prohibits cities from collecting registration fees from licensed electricians; and,

WHEREAS, House Bill 3329 expressly does not prohibit cities from collecting a building permit fee; and,

WHEREAS, the City Commission of the City of Harlingen, Texas, desires to amend its ordinance to conform to the new statutory requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF HARLINGEN, TEXAS:

SECTION I: That the following sections of Chapter 103 of the Code of Ordinances of the City of Harlingen, Texas, is hereby amended as set out below, with all provision struck through being repealed and all underlined provision being added to the relevant sections:

Sec. 103-3. - Registration of contractors.

(a) Registration required. All contractors, including, but not limited to, general contractors, electricians, air conditioning contractors, house movers, plumbing and gas contractors, swimming pool contractors, sign contractors and installers, sidewalk contractors and installers and contractors making "curb cuts," who perform work inside the city limits, are required to register with the office of the chief building official on the form known as Exhibit X attached to Ordinance No. 99-60 on file and available for public inspection in the office of the city secretary. Registration pursuant hereto shall be renewed on an annual basis.

(b) Registration fee. This subsection does not apply to plumbing contractors or licensed electricians. A fee as established in the city fee schedule in chapter 18 shall be collected from all contractors that employ other persons or corporations. A fee as established in the city fee schedule shall be collected from all contractors that do not employ and/or supervise other trades. The fee collected is to cover administrative costs associated with initial registration and renewals thereof. The fee to renew existing registrations shall be as established in the city fee schedule for each annual renewal for all contractors.

(c) File to be maintained. The office of the chief building official shall maintain a file on each registered contractor containing his registration form, copies of each building permit issued to said contractor and a list of complaints against and violations committed by the contractor, as well as measures undertaken by the contractor to correct violations.

(d) Denial, suspension, or revocation of registration. The chief building official may deny, suspend, or revoke a contractor's registration based upon any of the following:

- (1) Failure to provide information requested in the registration application;
- (2) Providing false information in the registration application;
- (3) Revocation, suspension, or denial of a contractor's state or other applicable license;
- (4) Failure to provide proper installation, service, and structural or mechanical integrity;

- (5) Misrepresenting the necessary services, services to be provided or services that have been provided;
- (6) Making a fraudulent promise to influence, persuade, or induce an individual to contract for services; or
- (7) Moving or tampering with original survey pins.

(e) Notice of revocation or denial. Whenever a determination is made by the chief building official to revoke or deny a contractor's registration for any of the reasons set forth in subsection (d) of this section, notice of such determination shall be sent to the contractor by certified mail, return receipt requested, to the address stated on his application for registration no more than three business days after such determination is made. If a determination is made to revoke or deny an air conditioning or refrigeration control contractor's license, the chief building official shall notify the commissioner of the state department of labor and standards of such a determination no later than ten days thereafter.

(f) Appeal. A contractor whose registration is revoked or denied shall have ten calendar days from the date of receipt of the notice provided for in subsection (e) of this section to appeal such revocation or denial to the city commission. If the city commission upholds the chief building official's determination to revoke or deny registration, the contractor may appeal the city commission's decision to district court within 15 calendar days after such decision is made.

(g) Violation. Contractors that fail to maintain current registration with the city as well as those whose registration has been revoked or denied shall not be permitted to work in the city.

Sec. 103-117. - Powers and duties of chief building official.

(a) Duties. The chief building official shall have the following duties:

- (1) He shall enforce the provisions of this article.
- (2) He shall delegate any powers of inspection to his subordinates that he deems advisable.
- (3) He shall collect all fees provided herein and turn same over to proper city officials.
- (4) He shall grant building sub-permits for electrical installations or alterations.
- (5) He shall make inspections of all electrical work as provided in this article.
- (6) He shall keep records of permits issued and inspections made.
- (7) He shall keep a record of all electrical certificates of registration as set forth in this article.

(b) Powers.

- (1) He may enter any house or premises by due process of law, if necessary, during reasonable hours, to examine any electrical installation therein, in the performance of his official duties.
- (2) He shall order the compliance to this article where changes or alterations to existing wiring in buildings or premises is needed.
- (3) He may place an official seal or notice on electrical equipment to prevent the use of electricity, and it shall be unlawful for any person to remove or in any way alter the seal or notice placed by the electrical inspector. An official seal shall be orange colored.
- (4) The chief building official shall have authority to withhold electric service from any building or structure until such building or structure complies with all applicable adopted codes of the city.

Sec. 103-142. ~~Registration fees; display of receipt.~~

~~(a) There shall be required only an initial and annual renewal registration fee for master electricians, with no registration required for journeyman or apprentice electricians. The initial registration fee to be paid by all master electricians is as established in the city fee schedule in chapter 18; and the annual renewal registration fee to be paid by all master electricians thereafter shall be as established in the city fee schedule in chapter 18.~~

~~(b) Annual renewal of a certificate of registration shall accompany payment of fees and shall be authorized by a certified receipt signed by the chief building official. The holder of said certificate shall affix and display each yearly receipt upon the face of his certificate in the designated space. He shall remove and destroy any previously issued receipt.~~

Sec. 103-167. - Permit required; exception for minor work.

(a) It shall be unlawful for any person to install or cause to be installed, or to permit any person to install, any electrical wiring, fixtures, or equipment, or to make any alterations, additions, or repairs within the city without first obtaining a building sub-permit to do so as issued by the chief building official, except as provided herein. There shall be one permit for each project for which a permit is required. Accessory buildings, tourist cottages, or group houses shall not be considered separate buildings when work is classed as one project, to be completed at one time, unless separate meter loops or switches are installed thereon.

(b) No permit shall be required for minor repair or maintenance work, replacement of lamps, or for connecting portable equipment to permanently installed receptacles of a suitable nature. No permit shall be required of an established refrigeration firm for the replacing of refrigeration motor by another motor of the same horsepower and rating, solenoid valves, low pressure controls, or other controls that are a part of the refrigeration system, provided the electrical supply to same has been or is properly installed by a licensed electrician. No permit shall be required for the installation of an electrical conductor or equipment to be installed by or for a public utility corporation in duly executing their services as outlined in their franchise. No permit shall be necessary for any work involved in the manufacturing, testing, servicing, altering, or repairing of electrical equipment or apparatus so long as this work does not include any permanent wiring.

Sec. 103-168. - Permit fees.

(a) Required. Before proceeding with the installation, alteration of, or the addition to any electrical wiring or equipment within or on any building, structure, or premises publicly or privately owned within the city, the master electrician in charge of such proposed work shall first file with the chief building official an application requesting inspection, and pay building sub-permit fees in accordance with the schedule as established in the city fee schedule in chapter 18 in order to obtain a permit to carry on such work.

(b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Circuit means all feeders and branch circuits originating at individual protective devices.

Investigation fee means the fee charged if the chief building official's office has not been notified within 72 hours (Sunday and legal holidays excepted) after a specific job has been started.

Investigation fees shall be in addition to building sub-permit fees.

(c) Separate meters. Permit applications for installing meters shall specify each meter separately, and fees charged shall be for each separate meter and associated circuits.

(d) Fees to be paid prior to work. ~~Subsection (a) of this section is a list of permit fees to be paid to the city by the master electrician or general contractor for the installation of apparatus repairs, alteration, and renewal of all electrical wiring.~~ A building sub-permit and all fees must be paid to the chief building official at his office before electrical work of any nature shall be started. No building sub-permit shall be issued by the chief building official for less than \$1.00.

SECTION II: In Chapter 18. Fees, the fees for master electrician registration, the initial registration fee and the annual renewal registration fee, are hereby repealed.


SECTION III: All other provisions not hereby expressly amended or repealed are preserved in their entirety.

SECTION IV: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause a true and correct copy of the caption of this Ordinance to be published in a newspaper having general circulation in the City of Harlingen, Cameron County, Texas.

SECTION V: That the City Secretary of the City of Harlingen, Texas is hereby authorized and directed to cause true and correct copies of this Ordinance to be published as an amendment to Chapter 103 of the Code of Ordinances of the City of Harlingen, Texas.

FINALLY ENACTED THIS 5th day of September, 2017 at a regular meeting of the Elective Commission of the City of Harlingen, Texas at which a quorum was present and which was held in accordance with Texas Government Code, Chapter 551.

CITY OF HARLINGEN


Chris Boswell, MAYOR

ATTEST:


Amanda Elizondo, CITY SECRETARY